

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JEFFREY PODELL,

Plaintiff,

v.

LLOYD J. AUSTIN, Secretary of Defense, *et al.*,

Defendants.

Case No. 1:23-cv-1025-TSE-JFA

DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Lloyd J. Austin, Secretary of Defense, *et al.*, through undersigned counsel, hereby respectfully submit this Motion for to Dismiss for Failure to State a Claim, the grounds for which are specified in the accompanying memorandum of law.

Dated: August 17, 2023

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

By: _____/s/

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